

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION**

MARK LAYNE TEDDLIE

CASE NO. 2:18-CV-00413

VERSUS

JUDGE JAMES D. CAIN, JR.

**COMMISSIONER OF SOCIAL
SECURITY**

**MAGISTRATE JUDGE PEREZ-
MONTES**

JUDGMENT

Before the court is a Report and Recommendation [doc. 19] of the Magistrate Judge, recommending that this Social Security appeal [doc. 1] be denied and dismissed with prejudice. The court has conducted an independent review of the record, as well as the objections filed by appellant Mark Layne Teddlie, and finds that the Report and Recommendation is correct under applicable law.


The Magistrate Judge noted that this matter had already been reinstated after one dismissal for failure to prosecute, and that Teddlie had taken no action in the matter since that time. Meanwhile, the government filed its answer to the complaint in August 2019 and Teddlie's deadline to file a response passed in October of that year. The Magistrate Judge therefore reviewed the government's answer as unopposed and found no merit to the appeal.

In his objections Teddlie's counsel argues that dismissal is too harsh a remedy and maintains that he believed that the government would send him a physical copy of the response and record rather than just an electronic notice of filing. He also asserts that the

turmoil caused by COVID-19 and Hurricanes Laura and Delta prevented him from discovering the government's Notice of Electronic Filing in a timely manner. Doc. 20. But the court notes that the scheduling order in this matter [doc. 14] and the government's answer [doc. 15] were both filed months before the COVID-19 pandemic struck. Counsel has failed to provide a basis for rejecting the Magistrate Judge's recommendation and the court agrees that review of the government's answer as unopposed is the appropriate sanction for Teddlie's noncompliance with briefing deadlines. Upon undertaking that review, the court likewise finds no merit to the appeal. Accordingly,

IT IS ORDERED, ADJUDGED, and DECREED that the Report and Recommendation [doc. 19] be **ADOPTED** and that this matter be **DENIED** and **DISMISSED WITH PREJUDICE**.

THUS DONE AND SIGNED in Chambers on this 11th day of December, 2020.



JAMES D. CAIN, JR.
UNITED STATES DISTRICT JUDGE